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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,084	06/20/2003	James A. Amos	72255/30267	9008
23380 7590 04/09/2007 TUCKER, ELLIS & WEST LLP 1150 HUNTINGTON BUILDING 925 EUCLID AVENUE CLEVELAND, OH 44115-1414			EXAMINER LU, ZHIYU	
			ART UNIT	PAPER NUMBER
			2618	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/600,084	<b>Applicant(s)</b> AMOS, JAMES A.	
	<b>Examiner</b> Zhiyu Lu	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 34-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 34-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 10, 14, 34 and 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1, 10, 14, 34 and 37, without proper comma separations, the amended segments are hard to read and confusing on what is responsive to what to do what.

- Claim 1 recites the limitation "the personal area network transceiver" in lines 8-9 and 12-13. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the base station" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the base station" in lines 7, 13, 15 and 17. There is insufficient antecedent basis for this limitation in the claim.

Claim 37 recites the limitation "the base station" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-19 and 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awater et al. (US2001/0010689) in view of Vaisanen et al. (US Patent#6560443) and Fishman et al. (US2003/0018887).

Regarding claim 1, Awater et al. teach a wireless voice over Internet Protocol telephone, comprising:

a wireless handset that comprises a wireless personal area network transceiver, a wireless local area network transceiver, and a selecting device (Fig. 1);

wherein the selecting device selects the wireless personal area network transceiver when the wireless personal area network transceiver detects a wireless personal area network connection, otherwise the selecting device selects the wireless local area network transceiver (paragraphs 0050-0054, where wireless personal area network transceiver is set as preferential);

But, Awater et al. do not expressly disclose wherein the selecting device is responsive to determining a connection with the personal area network transceiver is unavailable to send a signal to a controller via the wireless local area network transceiver to direct subsequent communications for the wireless handset via the wireless local area network; and wherein the

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selecting device is responsive to determining a connection with the personal area network transceiver has been re-established to send a signal to the controller via the personal area network transceiver to direct subsequent communications for the wireless handset via the personal area network transceiver.

However, Awater et al. teach signal detections on both personal area network and local area network (paragraph 0054), which can also be software controlled to determine usage of either one of the transceivers as well (paragraph 0053).

Vaisanen et al. teach an IP based dual mode WLAN/BT hand-held terminal communicatively coupled to WLAN (column 6 lines 36-53).

Fishman et al. teach utilizing point of presence in wireless handheld devices, where both Bluetooth and 802.11 are involved (paragraphs 0026-0027), so that communication can be re-established and appear consistent to user during wireless connection lost from one of the networks (paragraph 0028), which would have been obvious to one of ordinary skill in the art to utilize in the method of Awater et al. for providing consistent IP telephone communication.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate coupled WLAN connection taught by Vaisanen et al. and providing consistent communication taught by Fishman et al. into the method of Awater et al., in order to provide a consistent user experience during communication with handoff between wireless personal area network and wireless local area network.

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Regarding claim 10, Awater et al., Vaisanen et al., and Fishman et al. teach a system for sending and receiving voice over Internet Protocol packets associated with a voice communication using a wireless voice over Internet Protocol telephone as explained in the response to claim 1 above.

Regarding claim 14, Awater et al., Vaisanen et al., and Fishman et al. teach a method for a wireless handset to send and receive voice over Internet Protocol using a wireless voice over Internet Protocol telephone as explained in the response to claim 1 above.

Regarding claim 34, Awater et al., Vaisanen et al., and Fishman et al. teach an apparatus as explained in the response to claim 1 above.

Regarding claim 2, Awater et al., Vaisanen et al., and Fishman et al. teach the limitation of claim 1.

Awater et al., Vaisanen et al., and Fishman et al. teach a base station that comprises a wireless personal area network transceiver for communicating with the wireless personal area network transceiver of the wireless handset (inherent in Awater et al.; paragraph 0026 of Fishman et al.).

Regarding claim 3, Awater et al., Vaisanen et al., and Fishman et al. teach the limitation of claim 2.

Awater et al., Vaisanen et al., and Fishman et al. teach the base station further comprising a network interface card, wherein the base station notifies a wireless local area network when a wireless personal area network signal from the wireless handset is not detected (paragraph 0028

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of Fishman et al., where the network detects unavailability of the wireless handheld device).

Since the base stations are connected to a common back-end server (208 of Fig. 2 of Fishman et al.), it would have been obvious to one of ordinary skill in the art to recognize all networks associated with the back-end server know the disconnection.

Regarding claims 4 and 16, Awater et al., Vaisanen et al., and Fishman et al. teach the limitations of claims 2 and 14.

Awater et al., Vaisanen et al., and Fishman et al. teach the wireless personal area network transceiver of the base station is a Bluetooth transceiver and the wireless personal area network transceiver of the wireless handset is a Bluetooth transceiver (paragraph 0043 of Awater et al.; paragraph 0026 of Fishman et al.).

Regarding claim 5, Awater et al., Vaisanen et al., and Fishman et al. teach the limitation of claim 2.

Awater et al., Vaisanen et al., and Fishman et al. teach the wireless personal area network transceiver of the base station is a infrared transceiver and the wireless personal area network transceiver of the wireless handset is a infrared transceiver (paragraph 0005 of Awater et al.; paragraph 0009 of Fishman et al., which would have been obvious to one of ordinary skill in the art to utilize an infrared connection).

Regarding claims 6 and 15, Awater et al., Vaisanen et al., and Fishman et al. teach the limitations of claims 2 and 14.

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Awater et al., Vaisanen et al., and Fishman et al. teach the controller is a phone controller that is communicatively coupled to at least one access point over a local area network, and to the base station (interoperability, column 6 lines 36-53 of Vaisanen et al.; Fig. 2 of Fishman et al.).

Regarding claims 7, 11, 19 and 36, Awater et al., Vaisanen et al., and Fishman et al. teach the limitations of claims 1, 10, 18 and 34.

Awater et al., Vaisanen et al., and Fishman et al. teach the wireless local area network transceiver is an 802.11x transceiver (128 of Fig. 1 of Awater et al.).

Regarding claim 8, Awater et al., Vaisanen et al., and Fishman et al. teach the limitation of claim 1.

Awater et al., Vaisanen et al., and Fishman et al. teach the wireless personal area network transceiver is an infrared transceiver (paragraph 0005 of Awater et al.; paragraph 0009 of Fishman et al., which would have been obvious to one of ordinary skill in the art to utilize an infrared connection).

Regarding claims 9, 12, 17 and 35, Awater et al., Vaisanen et al., and Fishman et al. teach the limitations of claims 1, 10, 16 and 34.

Awater et al., Vaisanen et al., and Fishman et al. teach the wireless personal area network transceiver is a Bluetooth transceiver (130 of Fig. 1 of Awater et al.).



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Regarding claim 13, Awater et al., Vaisanen et al., and Fishman et al. teach the limitation of claim 10.

Awater et al., Vaisanen et al., and Fishman et al. teach the local area network comprises one of a group consisting of an Ethernet network and a Token Ring network (inherent in wireless Ethernet network).

Regarding claim 18, Awater et al., Vaisanen et al., and Fishman et al. teach the limitation of claim 16.

Awater et al., Vaisanen et al., and Fishman et al. teach authenticating the wireless handset by the base station (paragraph 0022 of Fishman et al.).

Regarding claim 37, Awater et al., Vaisanen et al., and Fishman et al. teach the limitation of claim 34.

Awater et al., Vaisanen et al., and Fishman et al. teach means for switching the wireless local area network transceiver to a power save mode responsive to the means for determining when the wireless handset is out of range of the associated base station associated with the wireless handset determining the wireless handset has moved within range of the base station (paragraph 0055 of Awater et al., where the transceiver is turned off when the preferential one is in use).

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zhiyu Lu whose telephone number is (571) 272-2837. The examiner can normally be reached on Weekdays: 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Zhiyu Lu  
March 28, 2007

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**NAY MAUNG**  
**SUPERVISORY PATENT EXAMINER**